

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	DOCUMENT
	:	ELECTRONICALLY FILED
	DOC #:	<u>100-3509</u>
	DATE FILED:	<u>3/5/09</u>
ASTON BARRETT, :		
Plaintiff, :		08 Civ. 11028 (DLC)
-v- :		<u>ORDER</u>
ANGUS WILLIAM REID and CHRISTIE'S INC., :		
Defendants. :		
-----X		

DENISE COTE, District Judge:

On December 4, 2008, the plaintiff Barrett filed an action in state court seeking damages in an amount in excess of \$50,000. On December 18, the defendant Reid removed on the basis of diversity jurisdiction. On January 18, plaintiff filed a motion to remand this case to state court.

Parties have disputed whether the amount in controversy exceeds \$75,000, the amount necessary to give this Court diversity jurisdiction under 28 U.S.C. § 1332(a). On March 2, the plaintiff filed an affirmation in support of his motion to remand, stating that he does not seek recovery in this action against the defendants of \$75,000 or any amount in excess of \$75,000. Defendant filed a counter-affirmation on March 3 arguing that the amount in controversy exceeds \$75,000.

Since plaintiff has affirmed that he does not seek recovery of \$75,000 or more, this Court does not have diversity jurisdiction over this matter. Accordingly, it is hereby ORDERED that the plaintiff's January 18, 2008 motion to remand to state court is granted. The Clerk of Court shall close the case.

SO ORDERED:

Dated: New York, New York
March 5, 2009

Denise Cote

DENISE COTE

United States District Judge